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09/683,703	02/05/2002	Aaron L. Mills	201-0309 GPB	6453

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EXAMINER

HURLEY, KEVIN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20040428

Application Number: 09/683,703
Filing Date: February 05, 2002
Appellant(s): MILLS ET AL.

Jeffrey Kapteyn
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8 March 2004.

(1) *Real Party in Interest*

Art Unit: 3611

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the same reasons for patentability are argued for all three groups.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

1,083,399

Hanger, Jr.

1-1914

(10) *Grounds of Rejection*

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The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-6, 9-12, 14-15, 16-18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanger, Jr.

Hanger, Jr. discloses a steering mechanism comprising:

a steering input device 1 comprising a steering wheel rotatable by an operator to command steering of the one or more road wheels;

a steering input shaft 10 mechanically connected to the steering input device and rotatable in response to rotation of the steering input device;

a support member 6 disposed proximate the steering input shaft;

a male member (sector gear) provided on the support member and having a pin;

a female receptacle 11 comprising a slot provided on the steering input shaft comprising at least one stop position; and

an actuator 11a for rotating one or more wheels in the vehicle in response to rotation of the steering input device.

Hanger, Jr. fails to disclose the steering input shaft not being mechanically linked to the steered road wheels.

However, it would clearly be obvious to one of ordinary skill in the art that input shaft would not be mechanically linked to the steered road wheels during assembly of the vehicle and/or during repair or salvage of the vehicle.

(11) Response to Argument

Appellant has argued two points regarding each rejected independent claim.

The first is that Hanger, Jr. does not disclose a female receptacle including at least one

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stop position for limiting rotational travel of a steering input shaft. Firstly, the phrase “for limiting rotational travel of a steering input shaft” is merely intended use and presents no structural limitation. Secondly the limitation “stop position” is not physical object. A position is a location. (The Merriam-Webster dictionary defines position as “a : the point or area occupied by a physical object <took her *position* at the head of the line> b : a certain arrangement of bodily parts”). Any object will have a position. The female receptacle of Hanger, Jr., in the threaded portion of worm gear 11, inherently has a “stop position” when it stops.

The second is that the examiner’s position that removal of the mechanical linkage during assembly or salvage of the vehicle is unreasonable and speculative. The examiner disagrees that assembly of the vehicle is speculative. Vehicles and steering systems do not spontaneously exist without assembly. Applicant would have one building the prior art Hanger, Jr. device as infringing, while not infringing after assembled into a vehicle.

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,



Kevin Hurley


Primary Examiner


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KH

April 28, 2004

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